

FILED

**IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF OKLAHOMA**

AUG 11 2022

CARMELITA REEDER SHINN, CLERK
U.S. DIST. COURT, WESTERN DIST. OKLA.
BY , DEPUTY

DANIEL CODY WATKINS,
Petitioner,

vs.

US DEPT OF JUSTICE,
US DEPT OF INTERIOR,

Case # CIV-22-681-JD

PETITION FOR WRIT OF MANDAMUS

Comes now, Petitioner, pro se, who petitions this Honorable Court for a writ of mandamus compelling Respondents to address and resolve the issue that Oklahoma authorities prosecuted, convicted, incarcerated and is still incarcerating Native Americans and other persons, who are enrolled citizens and descendants of citizens of federally recognized Native American tribes, without criminal jurisdiction, alleges and states:

A. Jurisdiction

Petitioner asserts jurisdiction to 28 USC § 1361 and 28 USC § 1651.

B. Parties

Petitioner is a lineal descendant of Emily Rose Rhoden, an enrolled member of the Cherokee Nation listed on the Dawes Roll, who is in the care and custody of the Oklahoma Department of Corrections, housed at James Crabtree Correctional Center, 216 North Murray Street, Helena, Oklahoma 73741 pursuant to a judgment and sentence issued by Tulsa County District Court for a term of life with possibility of parole for crimes occurring within the boundaries of the Muscogee Creek Nation reservation.

Defendants are federal agencies charged with enforcing federal law and federal Indian treaties between Indian tribes and the United States whose principal offices are located at

Deb Haaland, US Dept of Interior, 1849 "C" Street NW, Ste 6156, Washington, DC 20240 and Merrick Garland, US Dept of Justice, 950 Pennsylvania Ave NW, Ste 5137, Washington, DC 20530.

C. Duty Owed to Petitioner

"The United States guarantee to the people of the Cherokee Nation the quiet and peaceable possession of their country and protection against domestic feuds and insurrections, and against hostilities of other tribes. They shall also be protected against interruptions or intrusions from all unauthorized citizens of the United States who may attempt to settle on their lands or reside in their territory." [Article 26, 1866 Treaty of Washington, 14 stat 799]

"It is the duty of the United States Indian agent for the Cherokees to have such persons, not lawfully residing or sojourning therein, removed from the nation, as they now are, or hereafter may be, required by the Indian intercourse laws of the United States." [Article 27, 1866 Treaty of Washington, 14 stat 799]

"The United States hereby covenant and agree that the lands ceded to the Cherokee Nation shall, in no future time, without their consent, be included, within the territorial limits or jurisdiction of any State or Territory..." [Article 5, 1835 Treaty of New Echota, 7 stat 478]

These selected sections of treaties between the United States and Cherokee Nation, coupled with federal statutes 25 USC § 1301 and 18 USC § 1153, reveal the Respondents' duty to remedy the illegal detention of Petitioners and others similarly situated in Oklahoma Department of Corrections custody.

D. Relief Requested

Petitioner request that this Court issue an order compelling Respondents to investigate, if necessary, prosecute Oklahoma state officials for illegal detention of Petitioner and other

similarly situated in state custody, and remedy any illegal detention occurring Oklahoma state prisons.

I declare under penalty of perjury that the foregoing is true and correct and that I placed a true and correct copy of the same in the prison mailing system addressed to Office of the Clerk, US District Court, 200 NW 4th Street, Oklahoma City, OK 73102 on the 8th day of August, 2022, postage prepaid.



Signature of Petitioner